



Appeal Decision

Site visit made on 11 August 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2021

Appeal Ref: APP/G5180/W/20/3257760

2 Penn Gardens, Chislehurst BR7 5RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Eliot Martine against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04748/FULL1, dated 19 October 2019, was refused by notice dated 28 July 2020.
 - The development proposed is the erection of a two storey house.
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Procedural Matters

1. The updated National Planning Policy Framework (the Framework) was published on the 20 July 2021. The parties have been given the opportunity to comment and I have referred to the updated paragraphs where relevant.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site is located on the corner of Penn Gardens and Norlands Crescent within a residential area. The dwellings along the north western side of Penn Gardens are of similar design and appearance being of two storey height with simple pitched roof with attached flat roofed garage to the side. They are positioned in parallel, staggered rows at an angle to the road frontage. The appeal site comprises an area of open space at the end of this row of dwellings on the north-western side of Penn Gardens of which No. 2 is the end property. The character of the area is generally spacious with landscaped open front gardens giving it a pleasant verdant character.
5. The existing dwelling at No. 2 Penn Gardens is located forward of the nearest adjoining properties in Norland Crescent such that in approaching the site from the north along Norland Crescent, the gable end flank elevation of the dwelling is visible, albeit set slightly below the level of the roadway. However, the dwelling is set back some distance from both road frontages with the side garden area and landscaped frontages along both roads contributing visually and spatially to the open setting of the street scene.
6. The proposed dwelling would be of similar design and appearance to the existing property and those within the row of which it forms a part, with

pitched roof and flat roofed attached side element located between the existing and new dwelling set down at a lower level. The design would reflect the modern but pleasant style of the existing row of dwellings. However, the rear half of the flank elevation would be angled to reflect the shape of the plot and a 'living wall' provided on this part of the side elevation.

7. Notwithstanding the efforts made by the Appellant to provide a design that is sympathetic to that of the adjoining modern dwellings, given the forward siting of the proposed dwelling and its much closer proximity to the road frontages compared to the existing dwelling, I consider that it would introduce an unduly prominent building in the street scene. This impact would not be appreciably reduced or mitigated by the proposed 'living wall' to the side elevation and the angled rear part of the flank elevation would result in a building form at odds with the simple lines and uniform appearance of the existing dwellings.
8. Although areas of planting would be provided around the road frontages and the adjoining mature trees that would be retained, the dwelling would nevertheless occupy a significant part of the currently undeveloped gap to the side of the dwelling. This area contributes to the spacious character of the street scene in this part of the estate and given the particular setting and characteristics of the site and its visibility in the street scene particularly in the approach along Norlands Crescent, I consider that the dwelling would detract from the pleasant spacious character within this part of the estate.
9. I saw on my site visit that the somewhat irregular siting of dwellings within the wider vicinity of the appeal site results in some variety to the pattern of built form, but predominantly there is a continuity of built frontages, albeit in a staggered form, set back from the road behind planted front gardens. The open corner plots, such as the appeal site, provide complementary features to this character.
10. The Appellant has provided a number of photographs to illustrate this somewhat varied character, and points out that at some locations, such as at No. 15 Sheridan Crescent, there is no appreciable set back. I acknowledge that there are examples of dwellings sited close to the street frontages such as this one and these do appear more prominently than others. However, for the reasons set out above, I consider that such a prominent dwelling would not contribute positively to the street scene in this highly visible location.
11. I note that there is an extant permission for a two storey side extension to the existing property at No. 2, but that is of considerably smaller footprint and set back from the front elevation of the existing dwelling. To my mind it would appear as a subservient addition to that property, and, with much more space retained around it, would not appear prominently in the street scene and would retain a sense of openness. In contrast and notwithstanding that the proposed dwelling would have a lower ridge height than the existing dwelling, it would be read as a separate dwelling and one which, in my view, would appear unsympathetic to the established built form and layout.
12. Therefore, I find that the proposal would be harmful to the character and appearance of the street scene. As a result there would be conflict with Policies 3, 4 and 37 of the London Borough of Bromley Local Plan (2019) (LP) which seek to ensure that development on garden land does not unacceptably impact on the character, appearance and context of an area in terms of scale, design and density, that it is of a high standard of design and layout which respects

local character, spatial standards and physical context and that it complements the scale, proportion, form, and layout of the area with space about buildings that positively contribute to the street scene.

13. The proposal would also fail to comply with the Framework, in particular paragraph 126 which states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve and paragraph 130 which seeks to ensure that development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Other Matters

14. The appeal site lies in the Norlands sub-area of the Chislehurst Conservation Area. I note that the Council does not appear to find any harm arising in this respect, noting that *"the principle of the development is not considered to be harmful to the Chislehurst Conservation Area."* However, third parties have raised this as a concern and, in any event, I am obliged to consider the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
15. In this regard the Appellant has provided an assessment of the significance of the heritage asset and the contribution that the appeal site makes to it. It is concluded that the proposal would retain the impression of space and greenery and would not negatively impact on the character and appearance of the identified attributes of the conservation area.
16. In the light of my findings above, I cannot agree with such conclusions. In my view the attributes of the conservation area as identified would be negatively impacted by the proposal in that the proposed dwelling, by reason of its siting and scale, would fail to retain the impression of space and greenery at this prominent corner location, essentially for the same reasons that it would be harmful to the character and appearance of the area in general. I therefore find that the proposal would fail to preserve the character and appearance of the Chislehurst Conservation Area.
17. The Appellant has also drawn my attention to appeal decisions¹ relating to a site in St Augustine's Avenue where it is considered that a principle identified by the Inspector in that case applies here. That appears to be in respect of the 'irregularly shaped site' referred to by the Inspector. I would agree that the appeal site in this case is unlike others in the adjoining row along Penn Gardens in that it is not rectangular in shape. However, it is the impact of the development within the street scene that is the main issue here and, as noted by the same Inspector, whether the proposal would be an acceptable form of development having regard to scale, design and siting and whether it would satisfactorily integrate within the street scene. For the reasons set out above, I do not find that would be the case.
18. I note that the proposal would contribute to the local supply of dwellings and that this would support the Government's objective to significantly boost the supply of homes as set out in paragraph 60 of the Framework. The Framework also promotes the effective use of land to meet the need for homes while also

¹ APP/G5180/W/18/3204881 & 3204886

safeguarding and improving the environment. For the reasons set out above, I do not consider that the environment would be appropriately safeguarded in this instance.

19. The Council has confirmed that it is unable to demonstrate a five year supply of housing and this in turn means that paragraph 11(d) (ii) of the Framework applies. Notwithstanding my finding in respect of the conservation area, I consider that the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the development such that permission should not be granted.

Conclusions

20. Overall, therefore, for the reasons set out, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR